

HOW ARE DISCIPLINARY CASES PROCESSED BY THE TEXAS JUVENILE JUSTICE DEPARTMENT?

After the ANE Division concludes its investigation, the case will be referred to the Legal Division for possible disciplinary action.



A disciplinary hearing committee will consider the case and make a recommendation regarding the appropriate disciplinary action. Examples of recommended formal disciplinary action include: probated suspension (the officer is allowed to continue working in the capacity of a certified officer); active suspension (the officer cannot continue working in the

capacity of a certified officer); and revocation (the certification is revoked by the Texas Juvenile Justice Department (TJJD) and, the officer can no longer work as a certified officer and will not be granted another certification by the TJJD in the future). Alternatively, the disciplinary committee may consider the corrective action taken by the officer's employer in response to the incident and recommend that the case be closed with no formal disciplinary action initiated by the TJJD.

If formal disciplinary action is recommended, a petition for disciplinary action, which contains notification to the officer of the allegations and gives notice of opportunity for a hearing, will be sent to the officer's last known address on file with the Texas Juvenile Justice Department. It is very important that if an officer separates from employment, he/she contact the TJJD to update his/her mailing address.



WHEN CAN I EXPECT TO RECEIVE NOTICE IF DISCIPLINARY ACTION IS RECOMMENDED?

The time periods for investigating an ANE case and initiating disciplinary action can vary greatly depending on the facts and circumstances of each individual case. For instance, if there is a pending law enforcement investigation related to the ANE incident, there can be a significant time period between the ANE incident and receiving notice of disciplinary action. An officer may contact the TJJD at any time to inquire as to the status of his/her ANE and/or disciplinary case.



WHAT ARE MY RIGHTS AFTER A PETITION SEEKING DISCIPLINARY ACTION IS FILED?

Along with the petition, an offer to dispose of the case informally will be mailed to the officer. Certified officers are not obligated to accept the informal offer and have the right to a hearing. If the officer chooses to settle the matter informally, an agreed order will be sent to him/her for signature and will then be returned to the TJJD for its approval. If the officer chooses to proceed to a hearing, the State Office of Administrative Hearings (SOAH) will conduct a hearing and then present a recommended decision to the governing board of the TJJD. The board ultimately decides the resolution of the case. All final formal disciplinary actions involving suspension or revocation are posted on the TJJD's website.

WHO CAN I CALL WITH QUESTIONS OR MORE INFORMATION?

Address updates and questions related specifically to certification may be directed to the TJJD's certification officer. Questions related to disciplinary action may be directed to the TJJD's enforcement attorney in the Legal Division. You may reach either of these persons by calling (512) 424-6700.

Now That You Are a Juvenile Probation or Supervision Officer:

Disciplinary Processes for Certified Officers



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The Texas Juvenile Justice Department (TJJD) recognizes that most certified officers adhere to the highest standards of professionalism and take pride in the crucial role they

play in working with youth. However, there are some circumstances in which an officer may risk losing the privilege of working as a certified officer in the field of juvenile justice. For example, any officer who has been designated as a perpetrator in an abuse, neglect or exploitation (ANE) case, has been convicted of a crime or has otherwise violated the TJJD's code of ethics may be subject to disciplinary action.

This brochure provides an explanation and overview of the disciplinary hearing process for officers certified by the Texas Juvenile Justice Department.

The Texas Juvenile Justice Department is required by law to take the appropriate administrative steps to initiate disciplinary action and ensure that every officer is provided with an opportunity for due process prior to revocation or suspension of certification. The TJJD is responsible for reviewing all of the relevant evidence relating to disciplinary matters, providing an opportunity to be heard, and determining the appropriate disciplinary action to be taken regarding an officer's continued certification. The TJJD's disciplinary process is conducted in addition to any resolution of the matter that may have occurred or may be ongoing at the local level.

A certified officer may be held accountable and subject to multiple sanctions arising from one ethical, civil or criminal violation. An officer's act or omission may be addressed by more than one entity with distinct jurisdictional and administrative authority.



In addition to possible court prosecution, disciplinary sanctions imposed by the local department will not prevent further action by the Texas Juvenile Justice Department.



In fact, the defense of double jeopardy or a claim of successive prosecution will not apply in these kinds of cases. For example, an officer could conceivably be convicted or held responsible in criminal and civil court at both the state and federal levels for the same conduct. In other words, the certified officer may be suspended, demoted or terminated from his/her job at the department, tried in court and also subject to agency disciplinary sanctions or decertification by the Texas Juvenile Justice Department.

Juvenile supervision and probation officers who are certified by the Texas Juvenile Justice Department must adhere to the Officer Code of Ethics contained in Texas Administrative Code Section 345. These provisions provide, in part, that certified officers:

- ◆ Shall abide by all federal and state laws and TJJD standards;
- ◆ Shall serve each child with concern for the child's welfare;
- ◆ Shall not maintain inappropriate relationships with juveniles residing in a facility or under the jurisdiction of the juvenile court;
- ◆ Shall not be designated a perpetrator in a former TJPC or TJJD ANE investigation; and
- ◆ Shall not disclose confidential information or falsify documents

HOW THE DISCIPLINARY PROCESS CAN AFFECT A CERTIFIED OFFICER

Certified officers generally become involved in the disciplinary process through an ANE case. However, code of ethics violations not involving ANE, such as being convicted of a crime or failing to maintain the integrity of confidential information related to a child, could also result in disciplinary action by the Texas Juvenile Justice Department.



CAN BOTH THE TEXAS JUVENILE JUSTICE DEPARTMENT AND THE JUVENILE PROBATION DEPARTMENT DISCIPLINE A CERTIFIED OFFICER?

Yes. The Juvenile Probation Department, as the officer's employer, can impose corrective or disciplinary action as a result of any infraction of employment policies. Regardless of the disciplinary action imposed by the employer, the TJJD, as the agency that issues the certification, may also discipline a certified officer. The TJJD may discipline an officer for code of ethics violations even if the employer chooses not to take any corrective employment action as a result of an incident.

IF AN OFFICER IS TERMINATED OR RESIGNS, CAN THE TJJD STILL PURSUE DISCIPLINARY ACTION?

Yes. The Texas Juvenile Justice Department has the ability to initiate disciplinary action regardless of the officer's employment status.